

AMENDMENT TO THE DRAWINGS

The attached Replacement Sheets of drawings includes changes to FIG. 4A, 4B and 5. These Sheets, which include FIGs. 3, 4A, 4B, and 5, replace the original sheets including FIGs. 3, 4A, 4B, and 5. FIGs. 4A, 4B, and 5 have been amended to provide descriptive text labels of the previously unlabeled boxes. FIG. 3 has not been amended.

Attachment: Replacement Sheets (4)

REMARKS

By this amendment, claims 1-5, 7-16, 18-20, and 22-43 are pending, in which claims 6, 17, and 21 are canceled without prejudice or disclaimer, claims 1, 5, 20, 23, 27, 30-39, 41, and 42 are currently amended, and claim 43 is newly presented. No new matter is introduced.

The Final Office Action mailed January 27, 2010 objected to drawings Figs. 4A, 4B, and 5 and objected to specification as failing to provide antecedent basis for the claimed subject matter, and rejected claims 1-17, 21, 23, and 25-42 under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* (US Pub No. 2002/0164025) in view of *Kolakowski* (WO 02/49732 A1) and further in view of *Chatani et al.* (EP 1229476 A2), claims 18, 19, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* in view of *Kolakowski* and in view of *Chatani et al.*, and further in view of *Meyer, Michael.*, "TCP Performance over GPRS," In proc Wireless Communication and Networking Conference, 1999, WCNC, 1999 IEEE, vol 3, claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* in view of *Kolakowski* and further in view of *Chatani et al.* and *Soliman* (US 6, 785,249).

First, Applicant acknowledges with appreciation the courtesy of an interview granted to Applicant's representatives on April 21, 2010 at which time the claimed invention was explained in view of especially *Raiz et al.* During the interview, proposed amendment to claim 1 based on claim 21 which incorporates features from claim 17 was discussed and the Examiners agreed that if amended as discussed appeared to overcome the current cited rejection.

OBJECTION TO DRAWINGS

The drawings were objected because of unlabeled boxes of FIGs. 4A, 4B, and 5. In view of the Replacement sheets, Applicant respectfully requests withdrawal of the objections to the drawings.

OBJECTION TO SPECIFICATION

The Specification is objected to as failing to provide antecedent basis for the claimed subject matter, specifically based on claims 30, 31, 41, and 42 including the terms “computer readable medium” because “computer readable medium” may allegedly refer to a propagated signal. Claims 30, 31, 41, and 42 have been amended to recite “computer readable storage medium,” which clearly does not refer to a propagated signal. This amendment is clearly supported throughout the Specification, for example, paragraphs [0064] and [0132]. Applicant, therefore, respectfully requests withdrawal of the objection to the Specification.

REJECTION UNDER 35 U.S.C. § 103(a)

This rejection is respectfully traversed.

Claims 6, 17, and 21 have been canceled, rendering the rejection to claims 6, 17, and 21 moot.

With respect to independent claim 1, Applicant has amended the claim in a manner proposed during the interview, which is to incorporate features recited in claims 17 and 21. Claims 32 and 39 have been similarly amended.

As amended claim 1 recites, among other features, “starting a restricted execution of said application, within a predetermined **functional limit**, after said message has been initiated...

further restricting the execution of said application, within a more restrictive functional limit.”

Amended claims 32 and 39 recite similar features.

As to claim 21, the Examiner concludes that the combination of *Raiz et al.*, *Kolakowski*, and *Chatani et al.* teaches “disclose the starting/continuing a restricted execution of said application, within defined limits, if the message has not been sent (Raiz: Paragraph [34], the system is returned a demonstration mode (restricted execution) ... when the 30 days end (defined limits); paragraph [51], connection cannot be made; note that the message not being sent will allow a subscription lapse and continuing on demonstration mode)” (*See*, page 12 lines 5-11 of Office Action). By contrast, the amended claims recite “within a predetermined **functional limit**” and “**further restricting the execution** of said application, within a more restrictive functional limit.” As agreed by the Examiner during the interview, the amended features are not disclosed by the cited references and overcome the current rejection. These deficiencies are not cured by the other cited references.

With respect to independent claims 27 and 37, Applicant has amended the claims to clarify that the limits are “functional limits.” As amended claim 27 recites, among other features, “generating, **at the surveillance center**, an authorization to a restricted execution of said application within predetermined **functional limits** on said mobile terminal device,” which is recited similarly in claim 37. As to the claim 27 the Examiner states that “the claim is receiving side of the method of claim 7 and would need the method of claim 7 to be carried out for it to actualize” and “it is therefore rejected for the same reason as” claim 7 (*See*, page 13 lines 10-12 of Office Action). Regarding claim 7 the Examiner argues that “receiving an authorization to execute said application within said limits defined by said surveillance center” is disclosed by citing “Raiz: paragraph [51], implicit from requesting a reviewed authorization key;

paragraph [42], key is encrypted to work on only the user's fingerprinted computer and only for a specific period of time" (See, page 9 lines 3-6 of Office Action). In light of the interview, Applicant has amended the claims to specify that the limits are "functional limits." Paragraph [0033] of *Rais et al.* describes following (Emphasis Added):

In the case of **demonstration mode**, **unlike other modes** described later, the software key is **generated locally by the licensing enforcement software**. In demonstration mode, **some features of the application are disabled**.

Rais et al. describes that the key for the demonstration mode, in which some features are disabled, is **generated locally by the software, not by the license server**, unlike other modes. By contrast, claim 27 recites, "generating, **at the surveillance center**, an authorization to a restricted execution of said application within predetermined **functional limits** on said mobile terminal device." *Rais et al.* fails to disclose or teach these features. These deficiencies are not cured by the other cited references.

Accordingly, Applicant submits that the applied references, either when taken singularly or in combination, fail to disclose or suggest all of the features recited in independent claims 1, 27, 32, 37 and 39. Therefore, the Applicant respectfully requests the withdrawal of the obviousness rejection of above independent claims. The dependent claims are considered allowable for at least the reasons advanced for independent claim from which they respectively depend and the Applicant respectfully requests withdrawal of the obviousness rejections to the respective dependent claims.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

April 27, 2010
Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Milin N. Patel
Attorney/Agent for Applicant(s)
Reg. No. 62768

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958